

Commonwealth of Kentucky
Division for Air Quality
RESPONSE TO COMMENTS

ON THE CONDITIONAL MAJOR DRAFT PERMIT F-06-023
JIM SMITH CONTRACTING COMPANY, LLC
GRAND RIVERS, KENTUCKY.
DECEMBER 21, 2006

ROBERT L. WILLIAMS, REVIEWER

SOURCE I.D. #:	21-139-00002
SOURCE AI #:	38980
ACTIVITY #:	APE20060001

SOURCE DESCRIPTION:

Jim Smith Contracting Company, LLC is currently operating a batch hot-mix asphalt plant at their Lake Paving facility in Grand Rivers, Kentucky. They submitted an application on March 8, 2006 for the addition of a separate drum hot-mix asphalt plant at the same site. This is due to the reliability problems of the batch plant in the past. The addition of the second plant will ensure that a constant supply of hot-mix asphalt is available for both their road building projects, as well as for sale to local contractors. The proposed drum-mix plant will eventually replace the batch-mix equipment.

The existing batch-mix plant is regulated under State Regulation 401 KAR 52:090, Prohibitory Rule for Hot-Mix Asphalt Plants, and is limited to a production rate of 360,000 tons for any twelve-month consecutive period. The existing batch-mix plant and proposed drum-mix plant will be considered as one source as they are on adjacent sites and under common control.

Since Jim Smith Contracting Company, LLC has agreed to accept limits to the facility to remain below major source thresholds, this permit will be issued pursuant to State Regulation 401 KAR 52:030, Federally-enforceable permits for non-major sources and will be an initial construction / operating Conditional Major permit. The limits set forth in the permit will restrict asphalt production of the batch plant to 323,000 tons/year, and the drum plant will be restricted to 467,000 tons/year.

The source is currently operating under:

Permit S-04-030, signed May 28, 2004, which covers their batch hot mix asphalt plant and the haul road and yard area.

PUBLIC AND U.S. EPA REVIEW:

On June 7, 2006, the public notice on availability of the draft permit and supporting material for comments by persons affected by the plant was published in Kentucky Publishing, Inc in Smithland, Kentucky. The public comment period expired 30 days from the date of publication.

PUBLIC AND U.S. EPA REVIEW: (Continued)

Although the comments received from The EC Group of Kentucky, LLC on July 20, 2006, were outside the 30-day comment period, the Division chose to respond to the comments. Attachment A to this document lists the comments received and the Division's response to each comment. Changes were made to the permit as a result of the comments received, however, in no case were any emissions standards, or any monitoring, recordkeeping or reporting requirements relaxed.

ATTACHMENT A

RESPONSE TO COMMENTS

Comments on Jim Smith Contracting Company, LLC Draft Conditional Major Air Quality Permit submitted by Mr. Phillip M Gordon, Senior Project Manager, The EC Group of Kentucky, LLC.

The EC Group of Kentucky, LLC Comments – July 20, 2006

Draft Permit Document

The referenced draft permit limits the asphalt production for each plant during consecutive twelve-month periods. These production limitations ensure that criteria and hazardous air pollutant emissions do not exceed 95 tons and 22.5 tons, respectively, during consecutive twelve-month periods. Jim Smith Contracting Company, LLC must keep specific records to demonstrate that they stay within the production limits stated in the permit.

In reviewing the draft permit, however, we discovered that Section D (Page 14 of 25) requires Jim Smith Contracting Company, LLC to keep records of carbon monoxide (CO) emissions on a rolling basis, similar to that required for asphalt production. We believe that this requirement is redundant and imposes a needless recordkeeping requirement on the permittee.

On behalf of our client, Jim Smith Contracting Company, LLC, and based upon our telephone conversation this morning, we request that the requirement to keep rolling records of CO emissions not appear in the final permit.

DIVISION'S RESPONSE:

Comment acknowledged, change made.

CREDIBLE EVIDENCE:

This permit contains provisions which require that specific test methods, monitoring or recordkeeping be used as a demonstration of compliance with permit limits. On February 24, 1997, the U.S. EPA promulgated revisions to the following federal regulations: 40 CFR Part 51, Sec. 51.212; 40 CFR Part 52, Sec. 52.12; 40 CFR Part 52, Sec. 52.30; 40 CFR Part 60, Sec. 60.11 and 40 CFR Part 61, Sec. 61.12, that allow the use of credible evidence to establish compliance with applicable requirements. At the issuance of this permit, Kentucky has only adopted the provisions of 40 CFR Part 60, Sec. 60.11 and 40 CFR Part 61, Sec. 61.12 into its air quality regulations.